No. [illegible] Sub. 84.

Motion papers.

Filed Apr. 1, 1897.

In the Supreme Court of the United States.

October Term, 1896.

Office Supreme Court, U.
FILED
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JAMES H. McKENNEY,
CLER

THE UNITED STATES OF AMERICA

v.

THE JOINT TRAFFIC ASSOCIATION; THE NEW York Central and Hudson River Railroad Company; The West Shore Railroad Company; The New York, Ontario and Western Railway Company; The Erie Railroad Company; The Allegheny Valley Railway Company; The Baltimore and Ohio Railroad Company; The Baltimore and Ohio Southwestern Railway Company; The Central Railroad Company of New Jersey; The Chesapeake and Ohio Railway Company; The Chicago and Erie Railroad Company; The Chicago and Grand Trunk Railway Company; The Cleveland, Cincinnati, Chicago and St. Louis Railway Company; The Delaware, Lackawanna and Western Railroad Company; The Detroit, Grand Haven and Milwaukee Railway Company; The Grand Rapids and Indiana Railroad Company; The Grand Trunk Railway Company of Canada; The Lake Shore and Michigan Southern Railway Company; The Lehigh Valley Railroad Company; The Michigan Central Railroad Company; The New York, Chicago and St. Louis Railroad Company; The Northern Central Railway Company; The Pennsylvania Company; The Pennsylvania Railroad Company; The Philadelphia and Reading Railroad Company; The Philadelphia, Wilmington and Baltimore Railroad Company; The Pittsburg and Lake Erie Railroad Company; The Pittsburg and Western Railway Company; The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company; The Terre Haute and Indianapolis Railroad Company; The Western New York and Pennsylvania Railway Company; The Wabash Railroad Company.

No. 765

MOTION TO ADVANCE.

In the Supreme Court of the United States.

OCTOBER TERM, 1896.

THE UNITED STATES OF AMERICA
v.
THE JOINT TRAFFIC ASSOCIATION; THE NEW York Central and Hudson River Railroad Company; The West Shore Railroad Company; The New York, Ontario and Western Railway Company; The Erie Railroad Company; The Allegheny Valley Railway Company; The Baltimore and Ohio Railroad Company; The Baltimore and Ohio Southwestern Railway Company; The Central Railroad Company of New Jersey; The Chesapeake and Ohio Railway Company; The Chicago and Erie Railroad Company; The Chicago and Grand Trunk Railway Company; The Cleveland, Cincinnati, Chicago and St. Louis Railway Company; The Delaware, Lackawanna and Western Railroad Company; The Detroit, Grand Haven and Milwaukee Railway Company; The Grand Rapids and Indiana Railroad Company; The Grand Trunk Railway Company of Canada; The Lake Shore and Michigan Southern Railway Company; The Lehigh Valley Railroad Company; The Michigan Central Railroad Company; The New York, Chicago and St. Louis Railroad Company; The Northern Central Railway Company; The Pennsylvania Company; The Pennsylvania Railroad Company; The Philadelphia and Reading Railroad Company; The Philadelphia, Wilmington and Baltimore Railroad Company; The Pittsburgh and Lake Erie Railroad Company; The Pittsburg and Western Railway Company; The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company; The Terre Haute and Indianapolis Railroad Company; The Toledo, Peoria and Western Railway Company; The Wabash Railroad Company.

No.

MOTION TO ADVANCE.

The defendant, The Joint Traffic Association, is an unincorporated association, composed of the other defendants above named. It is claimed by the United States to violate, by its agreement of association, the first and second sections of the so-called Anti-Trust act of July 2, 1890, as well as the fifth section of the so-called interstate commerce act of February 4, 1887, and also to be an unlawful interference with interstate commerce irrespective of any statutory provision.

On December 26, 1895, the Interstate Commerce Commission requested the Attorney-General to direct the United States attorney for the southern district of New York to institute proceedings to prevent the carrying into effect of said agreement. Thereupon the Attorney-General directed said attorney to institute such proceedings, basing them upon all the positions above mentioned. Such bill having been filed, the cause was heard upon bill and answer, and dismissed by Judge Wheeler in the United States circuit court (76 Fed. Rep., 895). An appeal from this decree was heard by Judges Wallace and Lacombe, in the circuit court of appeals for the second circuit, who affirmed the decision, upon an argument and without opinion, on March 19, 1897. An appeal from this decree of affirmance has been duly taken and the cause docketed.

The agreement is believed to be illegal within the principle of *United States* v. *Trans-Missouri Freight Association*, decided by this court March 22, 1897; but I am informed that this is contested by the defendants, or by some of them, and that they will continue to operate under their agreement until the decision of this court in the premises.

The cause being one of great public importance, involving the right of competing railroad companies to combine for the purpose of maintaining rates and pooling traffic, I respectfully move this court for an advancement of the cause, to be heard at the present term.

HOLMES CONRAD,
Solicitor-General.